THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.17347 of 2006

Dated:20.09.2007

Between:
Smt.K.Suhasini, W/o.K.Bhaskar Naidu.

… Petitioner

and

The Revenue Divisional Officer,
Chittoor Division,
Chittoor District,
and another.

… Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.17347 of 2006

ORDER:

Heard Sri A.Chandraiah Naidu, the learned Counsel representing the writ petitioner, and the learned Assistant Government Pleader for Civil Supplies.

This Court issued rule nisi on 21.08.2006, and in W.P.M.P.No.21743 of 2006, made the following order:

> "There shall be interim direction to the respondents to supply essential commodities for being distributed among the cardholders of Chavarambakam Fair Price Shop of Nindra Mandal, Chittoor District, provided the petitioner's Fair Price Shop's authorization is subsisting as of now."

W.V.M.P.No.2580 of 2006 was filed to vacate the interim order. On 28.12.2006, the interim order was made absolute, and it was directed to list the Writ Petition for final hearing.

The Writ Petition is filed for a writ of mandamus declaring the action of the respondents more particularly the action of the second respondent

in not issuing the release order for lifting the essential commodities to supply to the cardholders of Chavarambakam Village of Nindra Mandal in Chittoor District, as arbitrary and illegal, and for a consequential direction to the respondents not to stop the supply of the essential commodities to the petitioner.

It is stated in the affidavit filed in support of the Writ Petition that the petitioner was appointed as Fair Price Shop dealer in the year 1999 for supplying essential commodities to the cardholders of Chavarambakam Village and since then she has been discharging her duties by supplying the essential commodities to the cardholders to their utmost satisfaction without there being any remark from any corner whatsoever till date. It is further submitted that as usual she has paid an amount of Rs.18,802/- towards the cost of the essential commodities for the said month through DD.No.55468, dt.07.08.2006 which was drawn in favour of A.P.State Civil Supplies Corporation Limited and approached the Mandal Revenue Officer with a request to issue release order to enable her to lift the essential commodities from the Government godown of Civil Supplies Corporation. After taking the Demand Draft for the reasons best known to him he has given back the same to the petitioner after one hour saying to come back on the next day. Accordingly, the petitioner approached the Mandal Revenue Officer on 08.08.2006 and requested to issue the release order. But, the Mandal Revenue Officer did not receive the Demand Draft and he further advised the petitioner to resign as Fair Price Shop dealer in view of the pressure of local MLA. Though the petitioner protested for the same, all her attempts to convince him to issue release order to enable her to lift the essential commodities were in vain. After failure of her attempts, the petitioner made a representation to the Revenue Divisional Officer, Chittoor, the first respondent herein, explaining all the above facts and requested him to direct the Mandal Revenue Officer, Nindra, the second respondent herein, to issue release

order. But there was no response from the first respondent herein. Though the petitioner personally approached and requested the first respondent herein, he informed her that the second respondent is the competent authority and she must convince him for issuing the release order. Though the petitioner tried to convince the first respondent that all her attempts were in vain before the second respondent, the first respondent did not take any action. Again she approached the second respondent on 17.08.2006 but all her attempts were in vain. Having no alternate, she was constrained to approach this Hon'ble Court.

It is also further stated that in the recently concluded Gram Panchayat elections, the candidate put up by the party in power was defeated and he bore grudge against the petitioner on the ground that she did not obey his dictum. Hence, they openly threatened the Mandal Revenue Officer not to continue the petitioner as Fair Price Shop dealer. Several grounds as (a) to (f) have also been specified in the affidavit filed in support of the Writ Petition.

In the counter affidavit filed, several of the averments have been denied and specific stand had been taken that the dealer might have taken the Demand Draft towards the cost of the essential commodities for lifting the stocks, but she never approached the respondents nor presented the Demand Draft or any representation for issue of release order up to 20.08.2006. It is also stated that the respondents after waiting till the end of 20.08.2006 have issued the release order of essential commodities to the adjacent dealer on 21.08.2006. Further, it is stated that in obedience to the directions of this Court in W.P.M.P.No.21743 of 2006, dated 21.08.2006, the essential commodities for the month of September 2006 had been released in favour of the petitioner. In the light of the specific stand taken, since no other serious allegations are there as against the writ petitioner, and in the light of the interim direction granted by this Court inasmuch as the essential commodities are being

supplied to the petitioner, the same to be continued.

In the light of the directions specified above, the Writ Petition is disposed of. There shall be no order as to costs.

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(**P.S.NARAYANA, J**)

20.09.2007
vs